§ 4310. New York state donate life registry for organ, eye and tissue donations. 1. The department shall establish an organ, eye, and tissue donor registry, which shall be called and be referred to as the "donate life registry", which shall provide a means to make and register a gift of organs, eyes and tissues to take place after death pursuant to this article. The donate life registry shall contain a listing of all donors who have declared their consent to make an anatomical gift.

2. The commissioner may enter into a multi-year contract for the operation and promotion of the donate life registry subject to such terms and conditions as may be contained within such contract with a not-for-profit organization that has experience working with organ, eye and tissue procurement organizations, has expertise in conducting organ, eye and tissue donor promotional campaigns, and is affiliated with the organ, eye and tissue donation community throughout the state. The contractor may subcontract as needed for the effective performance of the contract. All such subcontractors and the terms of such subcontracts shall be subject to approval by the commissioner. Any applicable state agency, including, but not limited to, the department, the department of motor vehicles and the board of elections, shall cooperate in the collection and transfer of registrant data to the donate life registry.

3. The duties of the contractor shall include, but not be limited to, the following:

(a) the development, implementation and maintenance of the donate life registry that includes online, mailed and other forms of organ, eye and tissue donor registration, verification, amendment and revocation;

(b) preparation and submission of a plan to encourage organ, eye and tissue donation through education and marketing efforts and other recommendations that would streamline and enhance the cost-effective operation of the donate life registry;

(c) provision of written or electronic notification of registration in the donate life registry to an individual enrolling in the donate life registry; provided, however, that written in-person or electronic notifications shall be utilized wherever possible as methods for fulfillment of the purposes of this paragraph; and

(d) preparation and submission of an annual written report to the

department. Such report shall include:

(i) a performance matrix including the number of registrants on the donate life registry and an analysis of the registration rates, including but not limited to, location, method of registration, demographic, and state comparisons;

(ii) the characteristics of registrants as determined from the donate life registry information;

(iii) the annual dollar amount of voluntary contributions received by the contractor for the purposes of maintaining the donate life registry and/or educational and promotional campaigns and initiatives;

(iv) a description of the promotional campaigns and initiatives implemented during the year; and

(v) accounting statements of expenditures for the purposes of maintaining the donate life registry and promotional campaigns and initiatives.

4. (a) For the period April first, two thousand fourteen through March thirty-first, two thousand fifteen, payments to the contractor shall be paid by the department.

(b) For the period beginning April first, two thousand fifteen and thereafter, payments to the contractor shall be paid by the department from funds available for these purposes, including, but not limited to, the funds deposited into the life pass it on trust fund pursuant to section ninety-five-d of the state finance law.

(c) In addition, the contractor may receive and use voluntary contributions.

5. * (a) Such organ, eye and tissue registration of consent to make an anatomical gift can be made through: (i) indication made on the application or renewal form of a driver's license, (ii) indication made on a non-driver identification card application or renewal form, (iii) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, (iv) indication made on the application for, or manual renewal application by an account holder of, health care coverage offered through the NY State of Health, the official Health Plan Marketplace, (v) enrollment through the donate life registry website, (vi) paper enrollment submitted to the donate life

registry, (vii) indication made on the application or renewal form of a hunting, fishing or trapping license issued pursuant to title seven of article eleven of the environmental conservation law, (viii) indication made on transactions administered by the office of temporary and disability assistance through the mybenefits.ny.gov website, or any such successor website; (ix) indication made on applications, renewals or related transactions for college financial aid, grants, or scholarships offered or administered through any website maintained by the higher education services corporation; (x) indication made by an insured and/or applicant for insurance during enrollments, renewals, and the initial process for an insured in setting up an online member service portal with their insurer for accident and health insurance policies and contracts issued pursuant to article forty-four of this chapter, article forty-two of the insurance law, or article forty-three of the insurance law, excepting renewals made through the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of this paragraph and paragraph (v) of subdivision one of section two hundred six of this chapter; and provided, however, that nothing in this section shall apply to the medical assistance program under title eleven of article five of the social services law; or (xi) through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and (xi) of this paragraph.

* NB Effective until December 21, 2026

* (a) Such organ, eye and tissue registration of consent to make an anatomical gift can be made through: (i) indication made on the application or renewal form of a driver's license, (ii) indication made on a non-driver identification card application or renewal form, (iii) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, (iv) indication made on the application for, or manual renewal application by an account holder of, health care coverage offered through the NY State of Health, the official Health Plan Marketplace, (v) enrollment through the donate life

registry website, (vi) paper enrollment submitted to the donate life registry, (vii) indication made on the application or renewal form of a hunting, fishing or trapping license issued pursuant to title seven of article eleven of the environmental conservation law, (viii) indication made on transactions administered by the office of temporary and disability assistance through the mybenefits.ny.gov website, or any such successor website; (ix) indication made on applications, renewals or related transactions for college financial aid, grants, or scholarships offered or administered through any website maintained by the higher education services corporation; (x) indication made by an insured and/or applicant for insurance during enrollments, renewals, and the initial process for an insured in setting up an online member service portal with their insurer for accident and health insurance policies and contracts issued pursuant to article forty-four of this chapter, article forty-two of the insurance law, or article forty-three of the insurance law, excepting renewals made through the NY State of Health, the official Health Plan Marketplace, other than those specifically referenced in subparagraph (iv) of this paragraph and paragraph (v) of subdivision one of section two hundred six of this chapter; and provided, however, that nothing in this section shall apply to the medical assistance program under title eleven of article five of the social services law; (xi) transactions conducted through the patient-facing portal of an individual's electronic health record; or (xii) through any other method identified by the commissioner. The department shall establish a means by which to register the consent given by individuals who are sixteen or seventeen years of age in the donate life registry, and shall make registration available by any of the methods provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi) and (xii) of this paragraph.

* NB Effective December 21, 2026

(b) * (i) Where required by law for transactions described in subparagraphs (i), (ii), (iv), (vii), (viii), (ix), (x), (xi) and (xii) of paragraph (a) of this subdivision, the commissioner shall ensure, in consultation with the head of any agency required to implement such transaction, that space is provided on any required form so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section and that

the following is stated on the form in clear and conspicuous type:

"You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'."

* NB Effective until December 21, 2026

* (i) Where required by law for transactions described in subparagraphs (i), (ii), (iv), (vii), (viii), (ix), (x) and (xi) of paragraph (a) of this subdivision, the commissioner shall ensure, in consultation with the head of any agency required to implement such transaction, that space is provided on any required form so that the applicant shall register or decline registration in the donate life registry for organ, eye and tissue donations under this section and that the following is stated on the form in clear and conspicuous type:

"You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'."

* NB Effective December 21, 2026

(ii) The commissioner shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of this article. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

(c) Enrollment or amendment or revocation through the donate life registry website through any of the means listed in this subdivision may be signed by electronic signature, in accordance with the provisions of article three of the state technology law, supported by the use of suitable mechanisms including unique identifiers to provide confidence in the identity of the person providing the electronic signature. The registration shall take effect upon the provision of written or

electronic notice of the registration to the individual enrolling in the donate life registry and the registry's entry of the individual's enrollment data in the registry; provided, however, that written in-person or electronic notifications shall be utilized wherever possible as methods for fulfillment of the purposes of this paragraph.

(d) Amendments or revocations from the donate life registry shall be made by the following, subject to the requirements of the commissioner:

(i) registrants submitting an amendment or revocation in writing to the donate life registry; or

(ii) registrants submitting an amendment or revocation electronically through the donate life registry website.

(e) Removal from the donate life registry shall not be deemed a refusal of any other or future anatomical gift.

(f) The donate life registry shall provide individuals enrolled the opportunity to specify which organs, eyes and tissues they want to donate and if the donation may be used for transplantation, research, or both.

6. An individual registered in the donate life registry before July twenty-third, two thousand eight shall be deemed to have expressed intent to donate, until and unless he or she files an amendment to his or her registration or a new registration expressing consent to donate.

7. (a) The donate life registry shall be maintained in a manner that allows immediate access to organ, eye and tissue donation records twenty-four hours a day, seven days a week to the contractor, the department, federally designated organ procurement organizations, licensed eye and tissue banks, and such other entities which may be approved by the department for access. Access shall be available to registrants to confirm the accuracy and validity of their registration and to amend or revoke their registration, subject to reasonable procedures to verify identity.

(b) Access to the donate life registry shall have security measures set forth in the contract to protect the integrity of the identifiable data in the donate life registry, which may only be accessed by the parties described in paragraph (a) of this subdivision and only for the purposes of determining donor status at or near the time of death of an

individual, by the department for any purpose, by the contractor only for purposes of quality assessment and improvement, technical support and donor services, or by individual registrants for the purposes of confirming the accuracy and validity of their registration or making, amending or revoking their registration.

(c) De-identified information may be accessed by the entities listed in paragraph (a) of this subdivision or their designees for purposes of analysis, promotion, education, quality improvement and technical support for the donate life registry. The information contained in the registry shall not be released to any person except as expressly authorized by this section, solely for the purposes so authorized.

8. The commissioner is authorized to promulgate rules and regulations necessary to implement the provisions of this section.

9. An interagency work group, composed of the commissioner, the commissioner of the department of motor vehicles, a chair of the board of elections, or their designees, and such other individuals as may be designated by the commissioner, shall be established to meet with the contractor annually and as needed to review the status of the donate life registry, to examine the steps that might be taken by state agencies to enhance its performance and to make recommendations to the contractor.